

**1180 SERVICES AND TREATMENT FOR DISABLED INFANTS TITLE 45 PUBLIC WELFARE
SECTION 1340.15**

Chapter: **Child Protective Services**

Section: **CPS Family Assessments**



New Hampshire Division for Children, Youth and Families Policy Manual

Policy Directive: **05-25**

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DCYF Director

Related Statute(s): [RSA 169-C](#)

Related Admin Rule(s):

Related Federal Regulation(s): [US Code 1340.15](#)

Related Form(s):

Bridges' Screen(s) and Attachment(s):

Definitions

"Disabled Infant" means an infant less than one year of age or an infant older than one year of age who has been continuously hospitalized since birth, or who has been born extremely prematurely, or who has a long-term disability.

"Hospital Liaison" means a person named by the hospital or health care facility to act as the contact with DCYF in all cases of suspected withholding of medically indicated treatment from disabled infants with life-threatening conditions.

"Hospital Review Committee" means a group of individuals established to deal with medical and ethical dilemmas arising in the care of patients within a health care facility. Where they exist, they may take many forms, such as an "infant care review committee" or a "bioethics committee." The functions for a hospital review committee may include the authorization to review and recommend treatment of specific cases.

"Medical Consultant" means a physician with a certified specialty in pediatrics or neonatology. The consultant is responsible for reviewing medical information and consulting with DCYF in cases of suspected withholding of medically indicated treatment from disabled infants with life-threatening conditions.

"Medical Neglect" means the failure to provide adequate medical care including, but not limited to, the withholding of medically indicated treatment from a disabled infant with a life threatening condition.

"Reasonable Medical Judgment" means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

"Withholding of Medically Indicated Treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's (or physicians') reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition,

hydration, or medication) to an infant when, in the physician's (or physicians') reasonable medical judgment any of the following circumstances apply:

- (1) The infant is chronically and irreversibly comatose;
- (2) The provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of survival of the infant; or
- (3) The provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.

Policy

- I. Known or suspected instances of medical neglect of handicapped infants or withholding medically indicated treatment from disabled infants must be reported immediately to DCYF.
- II. Nurses, physicians, health care facility contact persons, and other individuals must report all instances of disabled infant medical neglect to the DCYF Central Intake Unit.
- III. The Special Investigations Unit (SIU) responds immediately to all reports of suspected medical neglect of handicapped infants.
- IV. The Special Investigations Unit:
 - A. Completes a narrative that details the disabling condition and circumstances supporting the allegations of neglect;
 - B. Consults DCYF Chief Legal Counsel to obtain assistance in notifying the Attorney General's Office;
 - C. Contacts the hospital liaison in order to:
 1. Inquire about the condition of the child;
 2. Determine what, in the treating physician's reasonable medical judgment, will be most effective in correcting the infants condition(s), and if any circumstances apply making treatment unnecessary;
 3. Asks if the hospital has a Hospital Review Committee.
 - (a) If the hospital has a committee, asks if it has reviewed the child's case and has made a recommendation for the child's medical care.
 - (b) If the hospital does not have a committee, asks about the hospital's policy and procedures and how they relate to the child's care; and
 4. Asks what the parent's decision is regarding treatment of the infant.
 - D. If the report is unfounded, informs the Attorney General's Office.

- E. If the child remains in danger:
 - 1. Contacts the infant's parents to request a signed consent to review the infant's medical records;
 - 2. Contacts the Attorney General's Office for legal assistance, if necessary, to obtain medical records and/or other information pertinent to the investigation, a court order for an independent medical or other appropriate examination of the infant, or may obtain custody or guardianship of the infant to insure that medically indicated treatment will be provided; and
 - 3. Contacts a medical consultant who interviews the hospital liaison, responsible physician, or hospital review committee designee and reviews medical records.
- F. Maintains a record of the hospital liaisons and reviews it for updating at least annually. Each record lists the person's name, title, facility, address, and telephone number.
- G. Inquiries from the media about medically neglected disabled infants are referred to the Attorney General's Office.